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5 Attorney for Claimant
RENE CAMACHO GARCIA
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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 UNITED STATES OF AMERICA,) Case No. 08-CV-0577-WQH(JMA)
11)
12 Plaintiff,) **RENE CAMACHO GARCIA'S
13 v.) ANSWER TO COMPLAINT
14 \$18,152.00 IN U.S. CURRENCY,) FOR FORFEITURE AND
15 ONE 2002 VOLKSWAGEN JETTA) DEMAND FOR JURY TRIAL
16 BAJA CA LICENSE NO. AHF7024,)
17 VIN# 3VWRV09M92M145274, ITS)
TOOLS AND APPURTENANCES,)
18 Defendants.)
19 _____**

20 COMES NOW the Claimant, RENE CAMACHO GARCIA, and in answer to Plaintiff's
21 Complaint for Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

22 1. Claimant denies each and every allegation set forth in Paragraph 1. of the Complaint
for Forfeiture in the conjunctive as well as the disjunctive.

23 2. Claimant denies each and every allegation set forth in Paragraph 2. of the Complaint
for Forfeiture in the conjunctive as well as the disjunctive.

24 3. Answering Paragraph 3. of the Complaint, Claimant has no information or
25 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
26 that ground, denies each and every allegation contained therein in the conjunctive as well as the
27 disjunctive.
28

Count 1

\$18,152.00 IN U.S. CURRENCY

4. Answering Paragraph 4. of the Complaint, Claimant hereby incorporates his responses to Paragraphs 1-3 herein as if fully repeated herein.

5. Claimant denies each and every allegation set forth in Paragraph 5. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive

6. Claimant denies each and every allegation set forth in Paragraph 6. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

9 7. Claimant denies each and every allegation set forth in Paragraph 7. of the Complaint
10 for Forfeiture in the conjunctive as well as the disjunctive.

11 8. Claimant denies each and every allegation set forth in Paragraph 8. of the
12 Complaint for Forfeiture in the conjunctive as well as the disjunctive

13 9. Answering Paragraph 9. of the Complaint, Claimant has no information or
14 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
15 that ground, denies each and every allegation contained therein in the conjunctive as well as the
16 disjunctive.

Count 1

ONE 2002 VOLKSWAGEN JETTA

19 10. Answering Paragraph 10. of the Complaint, Claimant hereby incorporates his
20 responses to Paragraphs 1-3 herein as if fully repeated herein.

11. Claimant denies each and every allegation set forth in Paragraph 11. of the
Complaint for Forfeiture in the conjunctive as well as the disjunctive.

23 12. Claimant denies each and every allegation set forth in Paragraph 12. of the
24 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

25 13. Claimant denies each and every allegation set forth in Paragraph 13. of the
26 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

27 14. Answering Paragraph 14. of the Complaint, Claimant has no information
28 or belief sufficient to enable him to answer the allegations contained therein, and basing his denial on

1 that ground, denies each and every allegation contained therein in the conjunctive as well as the
2 disjunctive.

3 15. Answering Paragraph 15. of the Complaint, Claimant has no information
4 or belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
5 that ground, denies each and every allegation contained therein in the conjunctive as well as the
6 disjunctive.

AFFIRMATIVE DEFENSE(S)

FIRST AFFIRMATIVE DEFENSE

9 For a further and separate answer to the Complaint, Claimant alleges the subject Complaint as
10 pled fails to state facts sufficient to constitute a cause of action against the defendant properties.

SECOND AFFIRMATIVE DEFENSE

12 For a further and separate answer to the Complaint, Claimant alleges plaintiff lacked probable
13 cause for the institution of the forfeiture action.

THIRD AFFIRMATIVE DEFENSE

15 For a further and separate answer to the Complaint, Claimant alleges that the forfeiture in this
16 case is disproportionate, and is a violation of the Eighth Amendment to the United States
17 Constitution.

FOURTH AFFIRMATIVE DEFENSE

19 For a further and separate answer to the Complaint, Claimant alleges that the searches which
20 led to the seizure of the defendant currency and vehicle violated the Fourth Amendment to the
21 United States Constitution.

JURY DEMAND

23 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and general federal law,
24 Claimant demands a trial by jury in connection with the subject action.

WHEREFORE, claimant prays for judgment as follows:

1. That the Complaint be dismissed with prejudice;
2. That the subject properties be returned to Claimant;
3. For reasonable attorney's fees herein and costs of suit; and

1 4. For such other and further relief as the Court may deem just.

2 DATED: May 29, 2008

3 s/ Richard M. Barnett
4 RICHARD M. BARNETT, ESQ.
5 rmb-atty@pacbell.net

6 Attorney for Claimant
7 RENE CAMACHO GARCIA

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CERTIFICATE OF SERVICE

I, RICHARD M. BARNETT, do hereby state:

That I am a citizen of the United States, over the age of eighteen years, and not a party to the
within action.

That my business address is 105 West F Street, 4th Floor, San Diego, California.

That on May 29, 2008, I have caused service of Answer to Complaint for Forfeiture on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies said party:

1. David McNees, Special Assistant U.S. Attorney, Attorney for Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29th day of May, 2008, at San Diego, California.

/s/ Richard M. Barnett
RICHARD M. BARNETT